

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES ONLY TO:

ALAN CHAMBERS,

Case No. 2:08-01175

Plaintiff,

v.

ACTAVIS TOTOWA, LLC, et al.,

Defendants.

**DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT ON THE CLAIMS OF PROPOSED
CLASS REPRESENTATIVE ALAN CHAMBERS**

Defendants, by and through counsel, respectfully move this Court to grant summary judgment on the claims of proposed class representative Alan Chambers pursuant to Federal Rule of Civil Procedure 56(c). Summary judgment is appropriate because Chambers cannot articulate a justiciable case or controversy under Article III of the United States Constitution. Namely, the uncontroverted record demonstrates that he has not suffered an "injury in fact"

sufficient to establish standing to sue. Attached as Exh. A is the transcript of the deposition testimony of Alan Chambers, taken September 29, 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2010, a copy of the foregoing **Defendants' Brief Opposing Class Certification** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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